

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUSAN TIERNEY COCKBURN,

Plaintiff,

V.

SWS INDUSTRIES, INC., *et al.*,

## Defendants.

Case No. C10-1566RSL

**ORDER GRANTING MOTION FOR  
LEAVE TO FILE DECLARATION**

This matter comes before the Court on a motion filed by defendant CreateForLess, LLC for leave to file the declaration of its president Dennis DeYoung. As set forth in the motion, CreateForLess did not file the declaration with its motion to dismiss, filed on January 31, 2011, because DeYoung was unavailable on that day due to a family emergency. Motion at p. 2.

Plaintiff has not opposed the motion, which the Court construes, pursuant to Local Rule 7, as a concession that the motion has merit. Moreover, CreateForLess has shown good cause for the belated filing due to a family emergency. Because the declaration was filed eleven days before plaintiff's response to the motion to dismiss was due, she had ample time to respond to it. Therefore, plaintiff was not prejudiced by the delayed filing.

Accordingly, the motion for leave to file the declaration (Dkt. #39) is GRANTED. The Court will consider the DeYoung declaration when considering CreateForLess's motion to

1 dismiss.

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3 DATED this 4th day of May, 2011.

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6 Robert S. Lasnik  
7 United States District Judge

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